

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Toshikazu HIROTA and Takao OHNISHI

Ser. No.: 10/757,264 Art Unit: 1634

Filed: January 14, 2004 Examiner: Betty J. Forman

Confirmation No.: 4900

For: BIOCHIP

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. 1.97(c)**

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
  - (1) a final action under § 1.113,
  - (2) a notice of allowance under § 1.311 or
  - (3) an Office Action that closes prosecution.

**STATEMENT OR SUBMISSION FEE**

2. Accompanying this transmittal is

**A.  a statement as specified in 37 C.F.R. 1.97(e).**

**OR**

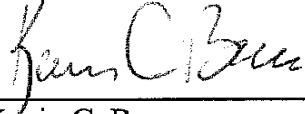
**B.  the submission fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).**

**Fee due: \$00**

**METHOD OF PAYMENT OF FEE**

3.  Attached is a check in the amount of \$.
- Charge Account No. 50-1446 in the amount of \$. A duplicate of this request is attached.
- The fees associated with this paper are being paid electronically with this submission.
4.  If any additional fees are due, please charge Deposit Account 50-1446.

Respectfully submitted,

  
\_\_\_\_\_  
Kevin C. Brown  
Reg. No. 32,402

KCB:jms

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Practitioner's Docket No.: 789\_070 CON2

**PATENT**

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In re patent application of: Toshikazu HIROTA and Takao OHNISHI

Serial No.: 10/757,264

Art Unit: 1634

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**CERTIFICATION UNDER 37 C.F.R. § 1.97(e)**

Sir:

Each item of information contained in the Information Disclosure Statement filed herewith was *first* cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

OR

No item of information in the Information Disclosure Statement filed herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

  
\_\_\_\_\_  
Kevin C. Brown  
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September 22, 2006

Date

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**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. Required copies of the references listed on Form PTO-1449 are attached.

Also enclosed is a copy of a European Search Report from a related European patent application bearing a mailing date of September 6, 2006, and the U.S. PTO is directed thereto for a concise statement of possible relevance of the references cited therein. Reference **AR** corresponds to Reference **AP**.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that these references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

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The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

  
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Sheet 1 of 1 Attorney Docket No. 789\_070 CON2

**U.S. PATENT DOCUMENTS**

| Exam Initial |           | Document Number | Date       | Name          | Our Docket No. | Class | Sub Class | Filing Date |
|--------------|-----------|-----------------|------------|---------------|----------------|-------|-----------|-------------|
|              | <i>AP</i> | 6,221,674       | 04/24/2001 | Sluka et al.  |                |       |           |             |
|              | <i>AQ</i> | 5,922,534       | 07/13/1999 | Lichtenwalter |                |       |           |             |
|              |           |                 |            |               |                |       |           |             |

**FOREIGN PATENT DOCUMENTS**

|  |           | Document Number | Date       | Country | Class | Sub Class | Translation | Abstract |
|--|-----------|-----------------|------------|---------|-------|-----------|-------------|----------|
|  | <i>AR</i> | 0 872 735       | 10/21/1998 | EP      |       |           |             |          |
|  | <i>AS</i> | 99/04896        | 02/04/1999 | WO      |       |           |             |          |
|  | <i>AT</i> | 99/36760        | 07/22/1999 | WO      |       |           |             |          |
|  |           |                 |            |         |       |           |             |          |

**OTHER DOCUMENTS**  
(Including Author, Title, Date, Pertinent Pages etc.)

|           |  |
|-----------|--|
| <i>AU</i> | Blanchard, A., "SYNTHETIC DNA ARRAYS", Genetic Engineering, Plenum Press, New York, 1998, Vol. 20, pp. 111-123 |
|           |  |

|           |                  |
|-----------|------------------|
| Examiner: | Date Considered: |
|-----------|------------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.